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EXAMINER
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ART UNIT	PAPER NUMBER
2137	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *4/15/04*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19 have been examined.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 7 provides for the use of "a second value", but, since the claim does not

set forth any steps involved in the method/process, it is unclear what method/process

applicant is intending to encompass. A claim is indefinite where it merely recites a use

without any active, positive steps delimiting how this use is actually practiced.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed recitation of a use,

without setting forth any steps involved in the process, results in an improper definition

of a process, i.e., results in a claim which is not a proper process claim under 35

U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and

Clinical Products, Ltd. v. *Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

4.   Claims 8-9 are also rejected for being dependent on a rejected claim.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 7-9 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claims 7-9 are directed to method of verifying a source of a log file, the claimed subject matter relates only to calculating and comparing a hash value of a log file it fails to produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. (hereinafter Schneier) US Patent Number 5,978,475 in view of Grawrock et al. (hereinafter Grawrock) US Patent Number 7,058,807.

As per claims 1, 7 and 10:

    Schneier teaches a method of logging audit events in a data processing system, the method comprising the computer implemented steps of:

    writing a sequence of audit records including a final audit record to a first log file stored by a data processing system; (figure 3, col. 7, lines 1-25)

    calculating a respective first hash value of each audit record; (figure 3)

responsive to calculating each respective first hash value, calculating a

corresponding second hash value from the first hash value (col. 10, lines 16-35)

writing the second hash value to the register; (col. 10, lines 16-35)

responsive to closing the first log file, opening a second log file; (col. 7, lines 1-

18) and

writing, to a first record of the second log file, a final second hash value

corresponding to a first hash value of the final audit record. (col. 10, line 64-col. 11, line

54)

Schneier does not explicitly disclose calculating a corresponding second hash

value from a value of a register associated with the data processing system and writing

the second hash value to the register. Grawrock in analogous art, however, discloses

calculating a corresponding second hash value from a value of a register associated

with the data processing system and writing the second hash value to the register. (col.

5, line 46-col. 6, line 16) Therefore it would have been obvious to one ordinary skill in

the art to modify the method disclosed by Schneier with Grawrock in order to have a

trusted platform module that provides an increased confidence and that enables

enhancement of auditing and logging (col. 1, lines 25-31; Grawrock)

As per claims 2, 8, 12-13 and 17:

The combination of Schneier and Grawrock teaches all the subject matter as

discussed above. In addition, Schneier further teaches a method comprising: generating

a cryptographically signed value of the final second hash value; and writing the signed

value to the first record of the second log file. (col. 10, line 64-col. 11, line 54)

As per claims 3 and 19:

The combination of Schneier and Grawrock teaches all the subject matter as

discussed above. In addition, Schneier further teaches a method wherein the signed

value is generated using an identity of a trusted platform module of the data processing

system. (col. 9, line 34-col. 10, line 25)

As per claims 4 and 14:

The combination of Schneier and Grawrock teaches all the subject matter as discussed

above. In addition, Schneier further teaches a method wherein each respective first

hash value and corresponding second hash value are calculated from a US secure

hashing algorithm-1. (col. 9, line 3-15)

As per claims 5, 11, 15 and 20:

The combination of Schneier and Grawrock teaches all the subject matter as

discussed above. In addition, Schneier further teaches a method wherein writing the

second hash value further comprises: performing an extend function, wherein the first

hash value is included as an operand of an extend function call. (col. 10, lines 16-35)

Grawrock further discloses the register is a platform configuration register. (col. 5, line

46-col. 6, line 16)

As per claims 6, 9 and 18:

The combination of Schneier and Grawrock teaches all the subject matter as

discussed above. In addition, Grawrock further teaches a method wherein calculating a

corresponding second hash further comprises: concatenating the register value with the

first hash value; and calculating the second hash value from a result of concatenating

the register value with the first hash value. (col. 5, line 46-col. 6, line 16)

As per claim 16:

Schneier teaches a data processing system for recording audit events,

comprising:

a memory that contains a first audit log file and an auditing application as a set of

instructions; (col. 6, lines 12-40)

a trusted platform module having a platform configuration register; (col. 6, lines

12-40) and

a processing unit, responsive to execution of the set of instructions, for

calculating a hash value of an audit record written to the first audit log file, wherein the

processing unit, responsive to closing the first log file, identifies a final value of the

platform configuration register and writes the final value to a second audit log file. (col.

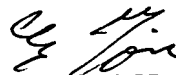10, line 64-col. 11, line 54; col. 12, line 9-col. 13, line 10)

Schneier does not explicitly disclose a method that extends a value of the

platform configuration register with the hash value. Grawrock in analogous art, however,

discloses a method that extends a value of the platform configuration register with the

hash value. (col. 5, line 46-col. 6, line 16) Therefore it would have been obvious to one

ordinary skill in the art to modify the method disclosed by Schneier with Grawrock in

order to have a trusted platform module that provides an increased confidence and that

enables enhancement of auditing and logging (col. 1, lines 25-31; Grawrock)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER